



Task Force on Trial Court Employees

Meeting Minutes

August 19 and 20, 1998

DoubleTree Hotel, Sacramento, California

TASK FORCE MEMBERS:

PRESENT:

Hon. James A. Ardaiz, Chair
Ms. Pamela Aguilar
Marshal Barbara J. Bare
Hon. Aviva K. Bobb
Mr. Gary Cramer
Hon. Charles D. Field
Ms. Karleen A. George
Ms. Diane Givens
Ms. Mary Louise Lee
Mr. Ronald G. Overholt
Ms. Christine E. Patton
Mr. Steve Perez
Sheriff Charles Plummer
Mr. John Sansone
Mr. Larry Spikes
Mr. Robert Straight
Mr. Mike Vargas

ABSENT:

Mr. Robert Walton

PRESENTERS:

Mr. Drew James, Consultant, William M. Mercer, Inc.
Ms. Janice Stanger, Consultant, William M. Mercer, Inc.
Ms. Lyn Vraa-Tarr, Consultant, William M. Mercer, Inc.

AOC STAFF:

Ms. Judy Myers, Director, Human Resources Bureau,
Administrative Office of the Courts
Ms. Deborah Brown, Attorney, Council and Legal Services
Division, Administrative Office of the Courts
Ms. Tina Burkhart, Court Services Analyst, Trial Court Services
Division, Administrative Office of the Courts
Ms. Sharon Smith, Director's Intern, Human Resources Bureau,
Administrative Office of the Courts
Ms. Hazel Ann Reimche, Human Resources Analyst, Human
Resources Bureau, Administrative Office of the Courts
Ms. Kay Galbraith, Human Resources Analyst, Human
Resources Bureau, Administrative Office of the Courts
Ms. Emma Adarlo, Secretary, Human Resources Bureau,
Administrative Office of the Courts

FACILITATOR:

Ms. Liz Schiff, Organizational Development Specialist,
Human Resources Bureau, Administrative Office
of the Courts

OTHER STAFF:

Mr. Alex MacBain, Fiscal & Policy Analyst,
Legislative Analyst's Office
Mr. Peter Kutras, Jr., Deputy County Executive,
County of Santa Clara

August 19, 1998

I. OPENING REMARKS

- Justice James A. Ardaiz, chair, called the meeting to order at 10:15 a.m. and welcomed everyone to the third task force meeting.

II. PUBLIC COMMENTS

- Justice Ardaiz introduced the following guests during the public comment periods:

Marshal Dennis Boatner, Shasta County
Marshal Cary Klippert, San Diego County
Marshal Keith Bushey, San Bernardino County
Marshal Mike Carona, Orange County
Marshal Butch Schaefer, Marshal Association of California

- The marshals present stated their desire to maintain their current employment status and, because of their unique characteristics, to remain separate from court employees. Task force members were urged to exclude marshals as court employees in the task force's recommendations.
- Task force members raised the following issues and suggestions:
 - 1) Depending on the particular issue, statutes may define marshals as county employees for some purposes and as court employees for other purposes. The task force should try to bring some uniformity to that definition.
 - 2) Because marshals are different from those traditionally considered court employees; additional information regarding marshals is needed. A specific questionnaire should be drafted and sent to each of the 13 marshals to gather information.
 - 3) A legal analysis of what a marshal is under the state law is needed.
 - 4) Information should be collected in the questionnaire regarding the status of P.O.S.T. qualification for marshals.

The members agreed to consider these suggestions.

- Justice Ardaiz reminded the task force that a definitive definition of a court employee has not been reached. The survey definition is simply designed to assist the task force in gathering information which will help with the final definition and recommendations.

III. JULY 9 AND 10 TASK FORCE MEETING REVIEW AND ANNOUNCEMENTS

- Justice Ardaiz presented a summary of the task force meeting on July 9 and 10, and discussed the meeting objectives and the agenda. Justice Ardaiz welcomed the public observers from various state and county agencies.
- Justice Ardaiz announced to the members that he and staff would meet with the trial court employee groups in San Diego and Los Angeles. He also announced he would attend the Sheriffs Association's meeting in September and the Annual Meeting of the County Counsel Association in October.
- Justice Ardaiz reminded the members that they would continue to define "court employee," for purposes of the survey, during the meeting.

- Ms. Liz Schiff reviewed the ground rules and asked the members for comments and/or changes to the ground rules. There were no modifications, changes, comments, or additions to the ground rules.
- Justice Ardaiz opened the floor for any additions or corrections to the meeting minutes of July 9 and 10, 1998. There were no additions or corrections to the minutes. Sheriff Plummer moved the minutes be adopted; the motion was seconded by a majority of the members. The July 9 and 10, 1998 task force meeting minutes were adopted.
- Regarding the notes from the breakout sessions of July 9 and 10, 1998, Mr. Gary Cramer suggested that “electronic reporting monitors,” on page six under number four, be changed to “electronic recording monitors.”

IV. PRESENTATION OF SURVEY OF TRIAL COURT EMPLOYEES

- Mr. Drew James gave an update regarding the approach and progress of the survey by presenting the following four topics:
 - 1) Components
 - Individual
 - Census for retirement and benefit analysis
 - Other services provided by the county to the court
 - Collective bargaining
 - 2) Collection instrument
 - 3) Development
 - 4) Process
- Mr. James stated that tracking information by individual is necessary for the analysis of retirement benefits. Individual tracking will be done either by social security number or an assigned employee number.
- The survey will gather actual compensation as well as each trial courts’ pay structure including the minimum and maximum pay ranges.
- The survey will identify premium pay items and gather information on anticipated premium pay amounts.
- Due to salary adjustments that may result from unification, the consultants anticipated gathering information on actual salary adjustments of fiscal year 1997-98 and approved salary adjustments as of June 30, 1998.
- Retirement compensation information reported to PERS or county retirement systems will be collected.
- The collective bargaining agreement survey will collect information about the classifications and number of employees included in each bargaining unit, and whether the MOU’s cover employees other than court employees.

- The cost of current medical benefit plans will be included in the survey.
- Mr. James reported that retirement administrator survey had been mailed.

V. DEFINITION OF COURT EMPLOYEE

- Justice Ardaiz stated that documents distributed to task force members are working documents and are not to be regarded as final documents.
- The definition of a trial court employee, for purposes of the survey, was reviewed and a modified model was presented based on input from group discussions, comments, and suggestions.
- Justice Ardaiz opened the floor for discussion; Ms. Schiff facilitated the discussion. The members agreed to define the following terms:
 - 1) court's budget
 - 2) court
 - 3) supervision
 - 4) discipline
- The members unanimously adopted the definition of trial court employees for the purposes of the survey. The final definition is ATTACHMENT A. **(Note: Bullet 3 of the definition was deleted at the September task force meeting)**
- If the definition of a court employee excludes individuals performing the following functions: (1) court security, (2) electronic recording monitors, (3) court reporters, and (4) court interpreters, then aggregate information will be collected from the court. The following information will be collected if available: titles, duties, rates of pay, qualifications, and group benefits.

VI. EMPLOYMENT STATUS OPTIONS DEFINITIONS

- Ms. Myers gave a presentation on the topic of personnel structures under the employment status options. She reviewed the charge of the task force as outlined in AB 233, Article 1, §77603(g) “to examine and outline issues relating to the establishment of a local personnel structure for trial court employees under:
 - (a) Court employment,
 - (b) County employment, with the concurrence of the county and the courts in the county,
 - (c) State employment, with the concurrence of the state and the courts in the county, or
 - (d) Other options identified by the task force.”
- An evaluation of various personnel structures under the employment status options is important for the following reasons:
 - 1) the statute requires the task force to study these options;
 - 2) the task force needs to determine what each option would look like so they can make an intelligent decision as to what to recommend;
 - 3) the task force needs to present the pros and cons of each option in the final report; and

- 4) employees need to know what they are voting on, if they participate in an advisory vote.
- Ms. Schiff introduced a breakout session to discuss the proposed working definitions of court, county, and state employment. The breakout groups discussed the proposed working definitions for the employment status options and reported back to the full group.
- For discussion purposes, the task force agreed to use the modified working definitions of court, county, and state employment.

VII. CLOSING REMARKS

- The meeting adjourned at 5:18 p.m.

August 20, 1998

I. OPENING REMARKS

- Justice Ardaiz called the meeting to order at 8:15 a.m. and commended the task force members for the accomplishment of reaching consensus on the definition of trial court employees for purposes of the survey. He also commended the task force for adopting the working definitions of court, county, or state employment during yesterday's meeting. He stated the meeting's objective was to provide education and outline issues and distinctions between the employment status options within the personnel structure components.

II. INTRODUCTION OF PERSONNEL STRUCTURE COMPONENTS

- Ms. Myers emphasized that the statute does not define or specify the components of the personnel structure. However, it may be inferred that the personnel structure should include items mentioned in AB 233 such as: status, classification, compensation, benefits, retirement, and terms and conditions of employment. Provisions of the Trial Court Funding Act may provide guidance regarding the personnel structure options the task force will examine and the structure that will ultimately be recommended.
- The presentation focused on the following personnel structure components:
 - (a) Employee classification
 - (b) Salary
 - (c) Other Compensation
 - (d) Retirement
 - (e) Benefits
 - (f) Civil Service Status
 - (g) Collective Bargaining
 - (h) Personnel Policies

III. BREAKOUT SESSION: PERSONNEL STRUCTURE COMPONENTS WITHIN EMPLOYMENT STATUS OPTIONS

- The task force was asked to envision personnel structures under each of the employment status options and identify issues relating to personnel structure components. The task force was also asked to suggest additional components.
- The members separated into three groups to identify policy and transition issues on assigned personnel structure components.

IV. IDENTIFY ISSUES: REPORT BACK TO FULL GROUP

- The groups reported back to the full group and identified various policy and transition issues. The issues, which were identified, will be addressed during the September meeting.

V. IDENTIFY ISSUES: ADVISORY VOTE

- AB 233, §77603(h) requires the task force to “Prepare a method for submitting the issue of employment status to an advisory vote of trial court employees in each county.” The statute does not specifically charge the task force with conducting this vote, nor does it provide any guidance as to methods of conducting the vote. The following issues were identified for discussion:
 - 1) When should the vote be taken?
 - 2) Who should be allowed to vote?
 - 3) How should the ballot and information be distributed?
 - 4) How should the ballot and information be collected?
 - 5) How will voting results be tabulated and certified?
 - 6) Who should conduct the vote and how?
 - 7) Are there any other issues that should be addressed by the task force?
- After small groups were formed to discuss the advisory vote issues, Ms. Schiff led an open group discussion about the advisory vote.

VI. CLOSING REMARKS

- Justice Ardaiz thanked the task force for their effort, participation, and valuable accomplishments, which had been made during the meeting. He announced the next meeting would be a retreat in San Diego on September 24, 25, and 26.
- The meeting was adjourned at 3:45 p.m.

Task Force on Trial Court Employees
FINAL MODEL FOR SURVEY DEFINITION OF COURT EMPLOYEE

If questions a and b are answered yes, the individual is a court employee, for the purpose of this survey.

Definition:

a) **Is the individual paid from the court's budget¹, regardless of funding source?**

- If no, the individual is not a court employee but is performing a service for the court.
- If yes, the individual might be a court employee.

b) **Does the court² have the right to control the manner and means of the individual's work?**

- If no, the individual is not a court employee but is performing a service for the court.
- If yes, the individual is a court employee.

1. For purposes of this survey, the court's right to control the manner and means of the individual's work means that the court has the authority to hire, supervise, discipline and terminate the individual. The court's authority to hire, supervise³, discipline⁴ and terminate the individual need not be exclusive and may be shared with other entities, including county personnel offices and agencies with statutory or licensing authority.
2. This definition excludes individuals hired by the court pursuant to an independent contractor agreement.
3. For purposes of this survey, include only employees who receive benefits that include county/court provided retirement. **(Note: This bullet was deleted at September task force meeting)**

If the definition above excludes the function/groups listed below, the survey will collect the following information from the Court Administrator if available, title, duties, rate of pay, qualifications, and group benefits.

- Court Security Officers (including retirement information on this group)
- Court Interpreters
- Court Reporters
- Electronic Recording Monitors

¹ For purposes of this survey, court's budget is defined as: Funds from which the presiding judge of the court, or his or her designee, authorizes and directs expenditures. Includes local revenue, all grants and trial court operations funds (Trial Court Funding Act AB233, Government Code §77009(b)).

² For purposes of this survey, court includes: Judges in their individual or collective capacity, or their appointees, who are vested with the authority to hire, supervise, discipline and terminate.

³ For purposes of this survey, supervise is defined as: The authority to plan, direct, control and evaluate the work of an employee.

⁴ For purposes of this survey, discipline is defined as: A procedure such as reprimand, demotion, suspension, or reduction in pay that corrects or punishes a subordinate's behavior, such as behavior that results in poor work performance, low productivity, or violation of agency rules or regulations.

